

**STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION**

In re

Q LINK WIRELESS LLC

Application for Designation as an Eligible  
Telecommunications Carrier in the State of Illinois

Docket No. 12-0095

**PETITIONER'S MOTION TO EXTEND TIME FOR SURREBUTTAL TESTIMONY  
AND RESCHEDULE EVIDENTIARY HEARING**

NOW COMES Petitioner Q Link Wireless LCC ("Q Link"), pursuant to Section 200.190(a) of the Commission's Rules of Practice, 83 Ill. Admin. Code Part 200.190(a), to respectfully request an extension of time to reschedule the evidentiary hearing (the "Evidentiary Hearing") and to file their Surrebuttal Testimony in support of Q Link's Application for Designation as an Eligible Telecommunications Carrier in the State of Illinois (the "Petition"), established in the December 23, 2013 Notice of Continuance of Hearing and Notice of Schedule (the "Order"). In support thereof, Q Link states as follows:

1. The Order currently establishes a February 28, 2014 due date for Q-Link's Surrebuttal Testimony. Further, the Order continues the matter to March 18, 2014.
2. On February 7, 2014, the Staff of the Illinois Commerce Commission ("Commission") filed their Rebuttal Testimony in this Petition. Staff's 84-page Rebuttal Testimony asserted deficiencies in the Petition, which were identified for the first time in rebuttal.
3. On February 20, 2014, Q Link engaged Kelley Drye & Warren LLP to assist them and Q Link's current counsel in this matter. Kelley Drye & Warren LLP is currently reviewing

all of the submissions for this Petition and all of the data request responses to get up to speed as soon as possible.

4. However, it is unlikely that Kelley Drye & Warren LLP will be able to comprehensively review the materials in the matter and substantially contribute to Q Link's Surrebuttal Testimony in a meaningful way before the February 28, 2014 due date.

5. Q Link notes that its Petition for designation as an ETC was filed over two years ago, in February 2012. The case was continued by agreement of the parties until the FCC approved Q Link's ETC Compliance Plan, which occurred in August 2012. After the FCC approved Q Link's ETC Compliance Plan, Q Link sought expedited approval of its ETC designation by the Commission.

6. During the period from August 2012 through approximately September 2013, Q Link requested that Staff agree to proceed with a schedule that would permit the Commission to address Q Link's Petition. Q Link also met with Staff in January 2013, and received a favorable response from Staff on Q Link's pending Petition. Staff finally agreed to a schedule, but refused to agree to file its testimony until October 30, 2013.

7. Q Link is entitled to additional time to respond to the issues raised for the first time in Staff's testimony. For example, Staff announced, for the first time in its Direct Testimony that, in applying the Federal "public interest standard" under 47 U.S.C. §214(e)(2) to companies that have been approved for ETC designation by the FCC, the Commission should apply the public interest standard, and make its ETC designation decisions in Illinois, on "a case-by-case determination" that "evolves over time", imposing "increasingly stringent standards upon new ETC applicants" that were not imposed on prior applicants. Staff Direct Testimony at lines 754 to 761.

8. Staff then announced, again for the first time, in its Rebuttal Testimony, that Q Link had to offer “incremental benefits (*i.e.*, benefits not offered by any ETC) from its unsupported services, much less from its Lifeline-supported services.” Staff Rebuttal Testimony at lines 1347 to 1349.

9. Q Link desires and will attempt to comprehensively address or respond to each issues raised in Staff’s Rebuttal Testimony. However, Q Link could not anticipate Staff’s standards for ETC designation that have “evolve[d] over time,” are “increasingly stringent” and are developed “on a case by case basis.”

10. Q Link has a sincere desire to comprehensively address Staff’s concerns. Most of the issues Staff raises, can be resolved if Q Link is given time to respond.

11. Consequently, Q Link respectfully requests that the ALJ extend Q Link’s time to file its Surrebuttal Testimony to April 11, 2014.<sup>1</sup>

12. Staff’s Direct Testimony and Rebuttal Testimony impose condition precedents to ETC designations in Illinois that are not in the Commission’s rules, are not found in prior orders approving ETC designation for other carriers, were not disclosed to Q Link prior to the testimony, and are not included in the FCC’s orders that form the basis of this proceeding. Therefore, it is prejudicial to Q Link to hold Q Link to short testimony schedules to respond to issues that could not be foreseen based on prior proceedings.

13. In addition, the parties recognized in the December 20, 2013 status hearing, the March 18, 2014 date could be “set [ ] for hearing and reduce it to a status if we are not prepared to proceed beyond that.” Dec. 20, 2013 Transcript, 12:8-10.

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<sup>1</sup> Q Link would request only a 28 day extension until March 28, 2014. However, Hank Kelly, counsel for Q Link, is on vacation the last several days of March and the first week of April, and therefore requests the additional time due to a previously scheduled commitment.

14. A short 6-week delay will not prejudice Staff, and will assist the resolution of Q Link's Petition in an efficient manner. In light of Q Link's desire to comprehensively address or respond to each issue raised in Staff's Rebuttal Testimony, with its new additional counsel's assistance, Q Link respectfully requests that the evidentiary hearing in this matter be scheduled at the March 18, 2014 date, which would be a status hearing in this matter.

15. Q Link therefore respectfully requests the ALJ enter an order granting this Motion, and allowing Q Link to file its Surrebuttal Testimony on or before Friday April 11, 2014. In light of the current schedule for Q Link's Surrebuttal Testimony, Q Link respectfully requests an expedited order as to its request for an extension of time to file its Surrebuttal Testimony.

16. Through email, counsel for Q Link contacted Staff who indicated that they do not agree to this Motion.

Respectfully submitted,

Q LINK WIRELESS LLC

A handwritten signature in black ink, appearing to read "Henry T. Kelly", written over a horizontal line.

By: One of its attorneys

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**STATE OF ILLINOIS  
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Q LINK WIRELESS LLC

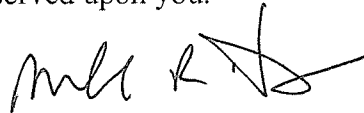
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**NOTICE OF FILING**

Please take notice that on February 25, 2014, we caused to be filed via electronic mail with the Illinois Commerce Commission, **Petitioner's Motion To Extend Time For Surrebuttal Testimony and Reschedule Evidentiary Hearing** on behalf of Q Link Wireless LLC. A copy of the foregoing document is hereby served upon you.

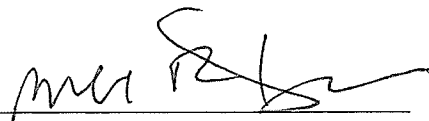


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Michael R. Dover, one of the attorneys for  
Q Link Wireless LLC

**CERTIFICATE OF SERVICE**

I, Michael R. Dover, an attorney, on oath state that I served a copy of the **Notice of Filing** and **Petitioner's Motion To Extend Time For Surrebuttal Testimony and Reschedule Evidentiary Hearing** on the service list maintained on the Illinois Commerce Commission's e-Docket system for the instant docket via electronic delivery on February 25, 2014.



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